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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,301	09/12/2001	Jagmohan S Rai	36-1508	3633

7590 12/06/2004

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EXAMINER
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PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 12/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/936,301	RAI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chirag R. Patel	2141	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/12/01
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**OATH/DECLARATION**

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the citizenship of each inventor.

**SPECIFICATION**

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The disclosure is objected to because of the following informalities: (Page 11 line 26 , Page 12 lines 1-2) are objected because of improperly placement of "Step S6" of Figure 4 and "Step S7" of Figure 4 is not mentioned in the disclosure.

Appropriate correction is required.

**DRAWINGS**

The drawings are objected to under 37 CFR 1.83(a) because they fail to show FA (Foreign Agent), item 10 in Figure 2 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement

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drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **CLAIM OBJECTIONS**

Claims 4,5, and 6 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 3. See MPEP § 608.01(n).

Accordingly, the claims 4,5,6 have not been further treated on the merits.

Claim 11 is objected to because of the following informalities: "Processing means" does not state the embodiment that performs the specified function.

Examples of embodiment may be an apparatus or a machine. Appropriate correction is required.

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Claim 6 is objected to because of the following informalities: "summarisation" is misspelled and should be "summarization". Appropriate correction is required.

### **101 REJECTIONS**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8 and 9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 8 "A computer program to be loaded on a computer" and claim 9 "Computer program has been down-loaded from a server and stored in storage means prior to loading on a computer" is non-statutory because the computer program has not been loaded on a computer. The computer is also not actively processing (receiving, retrieving, adapting and sending) communication data to create a useful, concrete and tangible result.

### **102 REJECTIONS**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claim 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Isfeld (US 5,802,278).

As per claims 1,8, 10 and 11, Isfeld discloses a method of routing communications data to a user located in one of plurality of data networks by a router (Col 1 lines 13-18), the router having a data store provided with data relating to characteristics of the networks and the associations between the networks (Col 3, lines 2-8), the method comprising:

receiving user location information relating to the identity of the data network to which the user is currently connected; (Col 8 lines 33-35 , item 2 Figure 6, Figure 9 , Col 11 lines 2-6),

receiving communications data to be sent to the user ; (Col 8 lines 31-33 , item 1 Figure 6)

retrieving from the store the associated characteristics of the data network to which the user is currently connected, and the associations between that network and other networks; (Col 41 lines 17-25)

adapting the communications data so as to be compatible with the retrieved characteristics, (Col 41 lines 39-42)

and sending the adapted communications data to the user (Col 42 lines 43-44).

As per claim 2, Isfeld discloses the router is a home agent attached to a home network. (Col 53 lines 24-28, Items 2007,2009 of Figure 35); Router is a home

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agent, and the backbone (Item 2000 Figure 35) is a home network which is attached to the router.

As per claims 3 and 4, Isfeld discloses the communication data comprises text data (Col 53 lines 55-61) and the adapted communication data comprises voice data (Col 41 lines 43-47) These networks as mentioned in the teachings of Isfeld (token ring, ethernet, FDDI, ATM, and WAN) support the transmission of text and adapted voice data as the packets are traversed from one network to another.

As per claim 5, Isfeld discloses the adaptation of the communications data comprises summarizing the communications data. (Col 41 lines 43-46).

Summarization allows data to be converted from one format into another. The DPM (distributed protocol module) converts the header (Item 900 Figure 26) for these networks.

As per claim 6, Isfeld discloses the adapted communications data is received by an intermediary router and re-routed to the user. (Figure 35, Col 53 lines 20-28)

As per claim 7, Isfeld discloses the user and the intermediary router are attached to the same one of the plurality of data networks. (Col 53, lines 62-65)

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As per claim 9, Isfeld discloses the computer program has been down-loaded from a server and stored in storage means prior to loading on a computer. (Col 45, lines 26-29)

### **CONCLUSION**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Perkins (RFC 2002 – IP Mobility Support) teaches the concept of home agent and home network. Westwick (US 5,828,836) discusses the transfer of variety of data, such as text and voice across the network. Postel (RFC 791) teaches the Internet protocol, which is used for transmitting datagrams from source to destination. Hraster (US 6,519,224) teaches a method of rerouting protocols in a link failure to ensure reliability.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R. Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday - Friday from 8:00AM to 4:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through



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**RUPAL DHARIA**  
**SUPERVISORY PATENT EXAMINER**